

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIA AGUNDA, et al.,	:	
	:	
Plaintiffs,	:	93 CIV. 7527 (JSR)
	:	
v.	:	
TEXACO INC.,	:	
	:	
Defendant.	:	
-----		X
GABRIEL ASHANGA JOTA, et al,	:	
	:	
Plaintiffs,	:	94 CIV. 9266 (JSR)
	:	
v.	:	
TEXACO INC.,	:	
	:	
Defendant.	:	
-----		X

**STIPULATION AND ORDER**

AND NOW, this 21<sup>st</sup> day of June, 2001, plaintiffs in the above-styled actions and defendant Texaco Inc. (the "parties") having submitted this Stipulation and Order,

It is hereby ORDERED that the conditions upon which the claims set forth in the Complaints in these actions may be refiled in the civil courts of Ecuador or Peru, specifically:

- (1) that Texaco Inc. will waive any statute of limitations-based defense that matured during the period of time between (a) the filing of the Aguinda and Jota

Complaints in this Court (i.e. November 3, 1993 in Aguinda and December 28, 1994 in Jota) and (b) the 60<sup>th</sup> day after dismissal of these actions;

(2) that Texaco Inc.'s consent to in personam jurisdiction in Ecuador and Peru to be sued by members of the putative classes in these lawsuits on the claims (or their Ecuadorian or Peruvian equivalents) set forth in the Complaints in these U.S. actions and willingness to accept service of process in Ecuador and Peru in such suits in accordance with the laws of those jurisdictions; and

(3) that the parties' ability to utilize in any such actions in Ecuador or Peru the discovery obtained during these proceedings in this Court;

shall not become effective until the time for appeal of the Court's Opinion and Order entered May 31, 2001 (the "Judgment") has expired or, if an appeal is noticed, it has been dismissed or the Judgment has been affirmed and the affirmance has become no longer subject to further appeal or review.

A7412

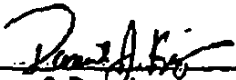
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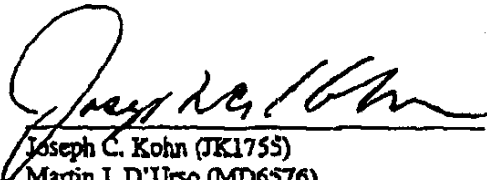
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Dated: New York, New York  
June 21, 2001

So Agreed:

  
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Daniel J. King (DK6533)  
Richard T. Marooney, Jr. (RM0276)  
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So Ordered:-

  
Jed S. Rakoff, U.S.D.J.  
6-21-01

TOTAL P.06

TOTAL P.05